

### **REMARKS**

Claims 18-29 are pending in the present application. Claims 18, 19, 24, and 25 have been amended. Support for the amendments can be found at least in Example 8 and in the original claims. No new matter has been added.

Upon entry of this amendment, claims 18-29 will be pending.

#### **Objection to the Specification**

The specification is objected to as being allegedly informal. Applicants have amended the specification to reflect the current status of U.S. Application Serial No. 09/576,714 as U.S. Patent No. 6,733,788. Withdrawal of the objection is respectfully requested.

#### **Claim Objection**

Claims 18-26 are objected to because the term "said polymer material" allegedly finds no antecedent basis. Applicants respectfully point out that independent claim 21 does not recite a polymer material. Applicants have amended independent claims 18 and 24 to clarify the polymer material and the gel structure recited in the claims. Applicants have also amended claims 19 and 25 to correct typographical errors. Support for the amendments can be found at least in Example 8 and in the original claims. As such, withdrawal of the objection is respectfully requested.

#### **Double Patenting Rejection**

Claim 18-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 1-20 of U.S. Patent No. 6,733,788. Applicants traverse the rejection.

Applicants respectfully point out that the present application is a divisional application filed as a result of a restriction requirement dated January 12, 2001 in its parent application, U.S. Application No. 09/576,714, which is now U.S. Patent No.

6,733,788. A double patenting rejection is not permitted where the claimed subject matter is presented in a divisional application as a result of a restriction requirement made in a parent application under 35 U.S.C. 121. See MPEP 804 II. Therefore, withdrawal of the rejection is requested.

**CONCLUSION**

Applicants note that the status of claims 1-17 was omitted from the Response filed January 28, 2008; this paper corrects that omission. It is respectfully submitted that the claims are in allowable form and an early favorable action to that effect is respectfully requested.

The Examiner is invited to contact the undersigned to discuss any issues regarding this response.

In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

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By: 

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